

IN RE: PETITION FOR SPECIAL EXCEPTION
N/S Joppa Road, 410' W of
Belair Road
(4138 E. Joppa Road)
11th Election District
6th Councilmanic District
Salvo Road Limited Partnership
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-168-X

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Exception filed by the owner of the subject property, Salvo Road Limited Partnership, by Jack Pechter, General Partner. The Petitioner requests a special exception to permit a service garage (car rental service) to be located on the subject property, pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Martin Pechter, Real Estate Developer for the Petitioner, and Jerry Jensen, District Manager for Altra Auto Rental. The Petitioner was represented by Paige Wingert and Robert A. Hoffman, Attorneys at Law. Appearing as Protestants in the matter were Clinton E. Marshall and Janet Almony, adjoining property owners.

Testimony indicated that the subject property, known as 4138 East Joppa Road, consists of a gross area of 1.812 acres, more or less, split zoned B.R. and B.L.-C.S.A. The property is improved with a strip shopping center containing retail and medical office space as more particularly described on Petitioner's Exhibit 1, a site plan of the property. Located at the northernmost end of the subject shopping center is 800 sq.ft. of space used by a car rental business, known as Altra Auto Rental, which has

existed on the site for the past few years. Testimony indicated that the Petitioner recently attempted to refinance the subject property. The bank handling the refinancing application requested that the Petitioner obtain a letter from the Zoning Administration office stating that the uses contained on the subject site conform to the B.C.Z.R. It was at this time that the Petitioner learned the Altra Auto Rental business required a special exception to operate at this location. The Petitioner subsequently filed the instant Petition for a service garage use in order to legitimize the car rental business on the subject property. It is noted that the special exception request is for a car rental service and not for any other use normally associated with a service garage. Testimony indicated that there is no washing, waxing or maintenance of any kind performed on the rental cars, other than vacuuming. Testimony further revealed that the Altra Auto Rental business has existed at the subject location for several years without any complaints from adjoining property owners.

Jerry Jensen, District Manager for Altra Auto Rental, appeared and testified in support of the request. Mr. Jensen testified that his business stores on the subject property, at most, eight (8) cars at any one given time. He also testified that no washing, waxing, or maintenance of the cars takes place on site; however, they do vacuum the vehicles at this location.

Appearing and testifying in opposition to the Petitioner's request were Clinton Marshall and Janet Almony, adjoining property owners. The Protestants testified that they are not opposed to the Altra Auto Rental business continuing to operate at this location. Testimony indicated that the Protestants were confused regarding the special exception request for a service garage, thinking that automotive service and repair

would take place on the premises. However, once they were informed that the request was merely to continue the existing use on the property, the Protestants stated they were not opposed.

It is clear that the B.C.Z.R. permits the use proposed in a B.L.-C.S.A. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 11th day of January, 1993 that the Petition for Special Exception to permit a service garage (car rental service) to be located on the subject property, pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted shall be rescinded and the Petitioners would be required to file a new Petition.
- 2) The special exception granted herein is limited to a car rental business only. The Altra Auto Rental business, or any subsequent car rental business, shall be permitted to store up to eight (8) rental cars on the subject property at any one given time.
- 3) There shall be no washing, waxing, or any automotive maintenance performed on any of the vehicles stored on the subject property. The Petitioner will, however, be permitted to vacuum the vehicles.
- 4) In no event shall the auto rental business allow or cause any vehicles to be parked in the fire lane located on the subject property.
- 5) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

TIMOTHY M. ROTROCO
Deputy Zoning Commissioner
for Baltimore County

TWK:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

January 11, 1993

(410) 887-4386

Robert A. Hoffman, Esquire
Paige Wingert, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION
N/S Joppa Road, 410' W of Belair Road
(4138 E. Joppa Road)
11th Election District - 6th Councilmanic District
Salvo Road Limited Partnership - Petitioner
Case No. 93-168-X

Dear Messrs. Hoffman & Wingert:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

Very truly yours,

TIMOTHY M. ROTROCO
Deputy Zoning Commissioner
for Baltimore County

TWK:bjs

cc: People's Counsel

file

Mr. Clinton E. Marshall
4135 Brookfield Avenue, Baltimore, Md. 21236

Ms. Janet Almony
4133 Brookfield Avenue, Baltimore, Md. 21236



Petition for Special Exception to the Zoning Commissioner of Baltimore County for the property located at

4138 East Joppa Road
Baltimore Maryland 21236

which is presently zoned BR & BL CSA

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

a service garage (car rental service) under Section 230.13 of the Baltimore County Zoning Regulations.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessor:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Who do solemnly declare and affirm, under the penalties of perjury, that I am the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):
Salvo Road Limited Partnership

(Type or Print Name)

By: Jack Pechter, General Partner

(Type or Print Name)

Signature

40 York Road, 2nd Floor 321 8460

Towson Maryland 21204

City State Zipcode
Towson Maryland 21204

Address Phone No.
210 Allegheny Avenue 494-6200

Towson Maryland 21204 494-6200

Address Phone No.
OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING: 1 hr
the following dates: Next Two Months

ALL REVIEWED BY: LG DATE: 11/13/92

MAISTE & WATTS, INC.
SURVEYORS and ENGINEERS

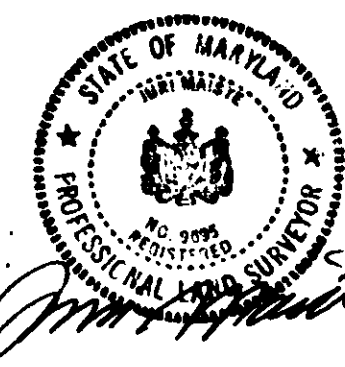
Nov.10.1992

DESCRIPTION OF CAR RENTAL SERVICES
SITE TO ACCOMPANY PETITION FOR
SPECIAL EXCEPTION PORTION OF JOPPA
CORNERS SHOPPING CENTER. 4138 EAST
JOPPA ROAD, 11-TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME AT A POINT SITUATE THE 4 FOLLOWING COURSES AND DISTANCES MEASURED FROM THE INTERSECTION OF THE NORTH SIDE OF JOPPA ROAD 84 FEET WIDE WITH THE CENTERLINE OF BELAIR ROAD, THE 1-ST OF SAID 4 COURSES BEING MEASURED ALONG THE NORTH SIDE OF JOPPA ROAD:

- 1) SOUTH 74 DEGREES 25 MINUTES 36 SECONDS WEST 410 FEET, MORE OR LESS,
 - 2) NORTH 04 DEGREES 14 MINUTES 15 SECONDS WEST 205.56 FEET
 - 3) SOUTH 85 DEGREES 43 MINUTES 25 SECONDS WEST 7.29 FEET
 - 4) NORTH 30 DEGREES 00 MINUTES 08 SECONDS EAST 40.54 FEET
- TO THE PLACE OF BEGINNING, THENCE LEAVING SAID PLACE OF BEGINNING AND RUNNING THE 4 FOLLOWING COURSES AND DISTANCES, VIZ:
- 1) NORTH 30 DEGREES 00 MINUTES 08 SECONDS EAST 68.88 FEET,
 - 2) NORTH 61 DEGREES 26 MINUTES 12 SECONDS WEST 115.59 FEET,
 - 3) SOUTH 28 DEGREES 36 MINUTES 53 SECONDS WEST 65.98 FEET AND
 - 4) SOUTH 59 DEGREES 59 MINUTES 28 SECONDS EAST 113.96 FEET TO THE PLACE OF BEGINNING.

CONTAINING 1,740 SQUARE FEET, MORE OR LESS.



MAISTE & WATTS, INC.

SURVEYORS and ENGINEERS

Oct.22.1992

DESCRIPTION OF #4138 EAST JOPPA
ROAD TO ACCOMPANY PETITION FOR
SPECIAL EXCEPTION FOR CAR RENTAL
OFFICES AND SERVICES IN A BL-CSA
ZONE, 11-TH ELECTION DISTRICT,
BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME ON THE NORTH SIDE OF JOPPA ROAD, 80 FEET WIDE, AT A POINT DISTANT 410 FEET, MORE OR LESS, MEASURED WESTERLY FROM THE INTERSECTION OF SAID NORTH SIDE OF JOPPA ROAD AND THE CENTERLINE OF BELAIR ROAD, THENCE LEAVING SAID PLACE OF BEGINNING AND RUNNING THE FOLLOWING 8 COURSES AND DISTANCES, VIZ:

- 1) NORTH 04 DEGREES 14 MINUTES 15 SECONDS WEST 205.56 FEET
 - 2) SOUTH 85 DEGREES 43 MINUTES 25 SECONDS WEST 7.29 FEET
 - 3) NORTH 30 DEGREES 00 MINUTES 08 SECONDS EAST 109.42 FEET
 - 4) NORTH 61 DEGREES 26 MINUTES 12 SECONDS WEST 115.59 FEET
 - 5) SOUTH 28 DEGREES 36 MINUTES 53 SECONDS WEST 92.32 FEET
 - 6) SOUTH 55 DEGREES 08 MINUTES 40 SECONDS WEST 130.00 FEET
 - 7) SOUTH 79 DEGREES 11 MINUTES 46 SECONDS WEST 36.14 FEET AND
 - 8) SOUTH 09 DEGREES 11 MINUTES 49 SECONDS WEST 230.90 FEET TO THE NORTH SIDE OF JOPPA ROAD, THENCE BINDING THEREON
- 9) NORTH 74 DEGREES 25 MINUTES 36 SECONDS EAST 300.24 FEET TO THE PLACE OF BEGINNING.

CONTAINS 69,933 SQUARE FEET OR 1.605 ACRES OF LAND MORE OR LESS.



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 17th Date of Posting: 12/10/92

Posted for: Special Exception

Petitioner: Salvo Road Limited Partnership

Location of property: N/S (4138) Joppa Rd., 410' W of Belair Rd.

Location of Sign: Put in window of office, No sign available to date

Remarks: No sign used

Posted by: Arnold Jablon Date of return: 12/18/92

Number of Signs: 1

receipt

Date: 11/13/92 93-168-X E 11
4138 E. Joppa Rd. C 6

Special Exception \$300-

info on data file

Account: R-001-6180
04A04W0157MICHRC \$300.00
86 0012144PM11-13-92

Please Make Checks Payable To: Baltimore County

Cashier Validation

receipt

Date: 11/13/92 93-168 H9300417B

Account: R-001-6180

DESCRIPTION	QTY	PRICE
PUBLIC HEARING FEES	1	\$1.82
050 - POSTING SIGNS / ADVERTISING	1	\$1.82
TOTAL:		\$3.64

LAST NAME OF OWNER: SALVO ROAD LTD PT

04A04W0074MICHRC \$61.82
86 0010115AM01-06-93

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

DATE: 12/14/92

RE: Salvo Road Limited Partnership
40 York Road - 2nd Floor
Towson, Maryland 21204

CASE NUMBER: 93-168-X (Item 178)
N/S Joppa Road, 410' W of Belair Road
4138 E. Joppa Road
11th Election District - 6th Councilmanic
Petitioner(s): Salvo Road Limited Partnership
HEARING: TUESDAY, JANUARY 5, 1993 at 2:30 p.m. in Room 118, Old Courthouse.

Dear Petitioner(s):

Please be advised that \$ 61.82 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your Order, immediate attention to this matter is requested.

Arnold Jablon
DIRECTOR

cc: Robert A. Hoffman, Esq.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 12/10, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12/10, 1992

THE JEFFERSONIAN,
S. Lebe Unwin
Publisher

\$61.02

receipt

Date: 11/13/92 93-168-X H9300417B

Account: R-001-6180

DESCRIPTION	QTY	PRICE
PUBLIC HEARING FEES	1	\$1.82
050 - SPECIAL EXCEPTION	1	\$300.00
TOTAL:		\$301.82

LAST NAME OF OWNER: SALVO ROAD LTD PT

04A04W0074MICHRC \$61.82
86 0010115AM01-06-93

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 NOV. 30 1992 (410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-168-X (Item 178)
N/S Joppa Road, 410' W of Belair Road
4138 E. Joppa Road
11th Election District - 6th Councilmanic
Petitioner(s): Salvo Road Limited Partnership
HEARING: TUESDAY, JANUARY 5, 1993 at 2:30 p.m. in Room 118, Old Courthouse.

Special Exception for a service garage (car rental service).

Arnold Jablon
Director

cc: Salvo Road Limited Partnership
Robert A. Hoffman, Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 December 28, 1992 (410) 887-3353

Robert A. Hoffman, Esquire
210 Allegheny Avenue
Towson, MD 21204

RE: Case No. 93-168-X, Item No. 177
Petitioner: Salvo Road Limited Partnership
Petition for Special Exception

Dear Mr. Hoffman:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

Your petition has been received and accepted for filing this 13th day of November 1992.

Arnold Jablon
DIRECTOR

Received By:
W. Carl Richards Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Salvo Road Limited Partnership
Petitioner's Attorney: Robert A. Hoffman

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: November 28, 1992
Zoning Administration and Development Management

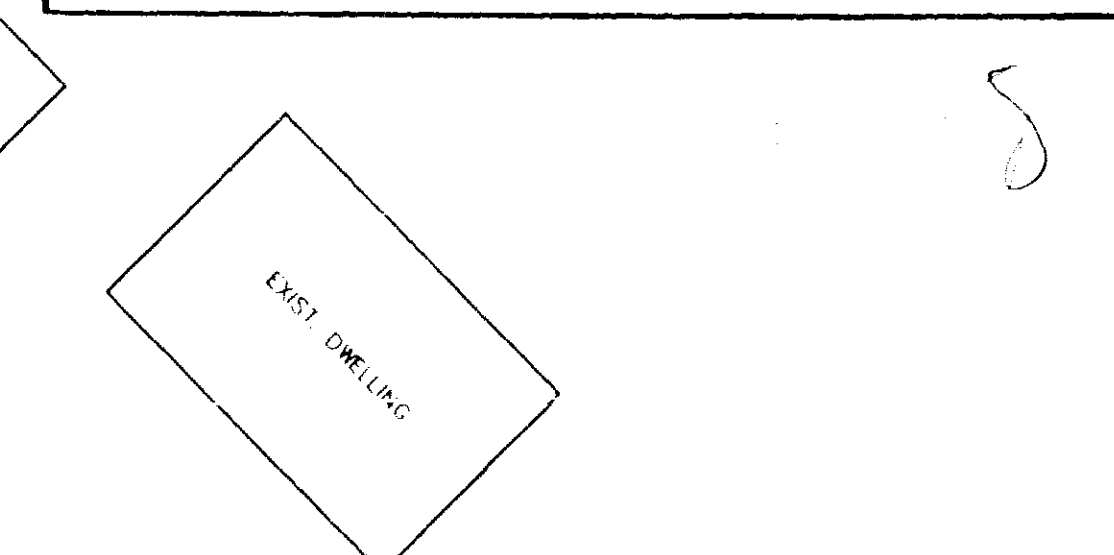
FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for November 23, 1992
Item No. 177

The Developers Engineering Division has reviewed the subject zoning item. We recommend requiring that the area of special exception be made to comply with the residential buffer requirements of the Landscape Manual.

RWB:DAK:s

12/14/92



HATCHER

NOTES:

1. NET AREA OF TRACT: 10,000 SQ. FT. (25' X 400')
2. PROPOSED USE OF TRACT: RETAIL AND OFFICE
3. EXISTING ZONING: R.R. & B.L. (AS SHOWN ON PLAN WITH VARIANCE TO ALLOW A REAR YARD OF 10' IN LIEU OF THE REQUIRED 20' IN THE REAR PORTION OF THE PROPERTY. VARIANCES TO ALLOW A REAR SETBACK OF 24' IN LIEU OF THE REQUIRED 30', AND TO ALLOW A SIDE YARD OF 9' IN LIEU OF THE REQUIRED 20' IN THE REAR PORTION OF THE PROPERTY. (CASE # 67-52A-APPROVED OCT. 31, 1984.)
4. EXISTING USES: RETAIL AND OFFICES AS SHOWN ON PLAN
5. PROPOSED USES: RETAIL AND OFFICES AS SHOWN ON PLAN
6. EXISTING ZONING: R.R. & B.L. (AS SHOWN) WITH A REQUEST FOR SPECIAL EXCEPTION TO ALLOW TWO SPACES OF CAR RENTAL OFFICES IN THE R.R. & C-SA ZONE. (INCL. 11 PARKING SPACES)
7. FLOOR AREA RATIO: 12.8% 78,400 = 20%
8. PARKING REQUIREMENTS:
MEDICAL OFFICES.....1,410 SQ. FT. @ 4.7 SPACES/1000 SQ. FT. = 43.3
PRINTING SERVICES.....1,580 SQ. FT. @ 4.2 SPACES/1000 SQ. FT. = 5.9
CLEANING SERVICES.....1,580 SQ. FT. @ 4.0 SPACES/1000 SQ. FT. = 2.9
RETAIL.....1,170 SQ. FT. @ 3.0 SPACES/1000 SQ. FT. = 7.8
TRAVEL SERVICES.....1,180 SQ. FT. @ 3.0 SPACES/1000 SQ. FT. = 3.6
CAR RENTAL SERVICES.....1,800 SQ. FT. @ 3.0 SPACES/1000 SQ. FT. = 2.6
TOTAL SPACES REQUIRED.....87.5
9. TOTAL SPACES PROVIDED.....87 (INCL. 4 H.C.)
10. SPACES UTILIZED IN SPECIAL EXCEPTION FOR CAR STORAGE.....11
11. COUNCIL-MATIC DISTRICT: G

PLAT TO ACCOMPANY PETITION FOR
SPECIAL EXCEPTION
JOPPA CORNERS SHOPPING CENTER
4138 EAST JOPPA ROAD
11--TH ELECTION DISTRICT BALTIMORE COUNTY, MD.
PREPARED FOR
J.H.P. DEVELOPMENT COMPANY, INC.
40 YORK ROAD--SUITE 200
TOWSON, MARYLAND 21204

DATE: OCT. 22, 1992
SCALE: 1"=20'
PROJ. NO. 92-169

